

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN MIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C11-0647-JCC  
CR09-0083-JCC

ORDER GRANTING THE  
STIPULATED MOTION AND  
STRIKING THE EVIDENTIARY  
HEARING

This matter comes before the Court on the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge. The Court, having considered the petitioner's motion under §2255 (Dkt. No. 1), the Report and Recommendation (Dkt. No. 15), the parties' stipulated motion for voluntary dismissal without prejudice (Dkt. No. 14), and the balance of the record, does hereby find and **ORDER:**

- (1) The Court **ADOPTS** the Report and Recommendation (Dkt. No. 15);
- (2) The stipulated motion to dismiss the matter without prejudice (Dkt. No. 14) is **GRANTED;**
- (3) The evidentiary hearing set for June 19, 2012, is **STRICKEN;** and

1 (4) The Clerk of Court is directed to send copies of this Order to the parties and to  
2 Judge Brian A. Tsuchida.

3 DATED this 23rd day of April 2012.  
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9 John C. Coughenour  
10 UNITED STATES DISTRICT JUDGE  
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